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OFFICE OF PETITIONS

In re Patent No. 6,969,334	:	
Issued: November 29, 2005	:	
Application No. 10/753,223	:	ON PETITION
Filed: January 7, 2004	:	
Attorney Docket No. 6978-198/COA	:	

This is a decision on the petition filed May 24, 2006, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner states that the correct assignee's name is Magna Powertrain USA, Inc. and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to Magna Powertrain USA, Inc.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

While petitioner seeks to have a Certificate of Correction issued in the name of **Magna Powertrain USA, Inc.**, USPTO assignment records show **New Venture Gear, Inc.** as the assignee at the time of issuance. It is noted that petitioner states that the assignee changed from New Venture Gear, Inc. to Magna Powertrain USA, Inc.; however, there is no evidence that an

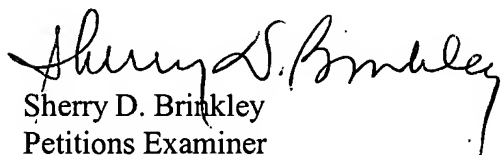
assignment was submitted for recordation prior to issuance of this patent. Therefore, issuance of the requested Certificate of Correction would not be proper.

As the record has shown, petitioner may file a certificate of correction under 37 CFR 1.323 requesting that American Axle & Manufacturing, Inc. be deleted on the patent and that New Venture Gear, Inc. be added to the front page of the patent.

Accordingly, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (no further fee is required) which sets forth New Venture Gear, Inc., as the assignee. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to Sherry D. Brinkley at (571) 272-3204. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions